

**REMARKS**

Applicant wishes to thank Examiner for conditional allowance of claims 2-16, 18 and 21.

Applicant has provided herewith a Supplemental Declaration and Power of Attorney to effect a change of address for the inventor/applicant.

Applicant has amended claim 18 to more correctly define the invention. Applicant believes that no new matter has been introduced as a result of the amendments made.

Further Applicant has amended the specification at paragraph [0082] to amend an incorrect reference numeral 10 and replace it with the correct reference numeral for the reamer tube, being 11.

**The drawings are objected to because of a duplicate reference on Fig. 10a. Reference number 20 appears to point to two different portions of the figure.**

Applicant has amended Figure 10a to remove the duplicate reference character 20. Applicant believes the amended Figure is consistent with the remaining figures and is now in compliance.

**Claim 1, 15 and 17 are objected to:**

- a) the portion of claim 1 that reads “ and a fluid passage through the upper lateral displacement means and the reamer for supplying drilling fluids from the drill string a downhole end of the abrasive reaming tube, and wherein when the lower and upper lateral displacement means are in the non-displaced position the reamer and abrasive reaming tube are aligned with the wellbore.

Applicant has amended claim 1 to add the word –to– between the words “string” and “downhole end”. Applicant believes the identified portion of claim 1 now reads more clearly.

- b) claim 1 states “lower lateral displacement means 41 connected to a lower end of the reamer, “whereas the specification on page 12 states “lower lateral displacement means 41 connected to a lower end 15 of the non-rotatable mandrel 12”

Applicant has amended claim 1 to more clearly indicate that the lower lateral displacement means is connected to a lower end of the non-rotatable mandrel which has been added to the claim and which is consistent with the specification.

**c) claim 15 has no period at the end of the claim.**

Applicant has amended claim 15 to add a period at the end of the claim.

**d) claim 21 refers to claim 17 and adds "the non-rotating mandrel" which lacks antecedent basis.**

Applicant has amended the order of claim 21 with respect to the lower portion and the non-rotating mandrel and has changed the phrase "the non-rotating mandrel" to --a non-rotating mandrel--.

**Claims 1, 17, 19 and 20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 2, 7 and 8 of US Patent No. 5,103,921**

Applicant has amended claim 1 to include the subject matter of claim 2 which Examiner has indicated is patentable. Therefore, Applicant believes that claim 1 is clearly distinguished over US Patent 5,103,921 and is in condition for allowance.

Respectfully, with regards to claim 17 and to claims 19 and 20 which depend therefrom, Applicant wishes to point out to the Examiner that the method as claimed in claim 17 cannot be practiced by the assembly taught in US 5,103,921 and as such was never contemplated by US 5,103,921.

Using the apparatus taught in US 5,103,921, a window is not reamed substantially parallel along a wall of a wellbore nor can the apparatus be displaced into said window to position the reamer substantially parallel to the wellbore. Thus, claims 17, 19 and 20, which require both the upper and lower sections to be displaced into the parallel window, are patentably distinct from US 5,103,921.

Absent an upper lateral displacement means, the upper section of the apparatus of US 5,103,921 cannot be displaced laterally so as to position the reamer substantially parallel to the wellbore.

Further, should the tool taught in US 5,103,921 be manipulated somehow, so as to mill a window substantially parallel along a side of the wellbore, the tool could not be displaced into said window to position the reamer substantially parallel to the wellbore. At best, the reamer would always be positioned at an angle to the wellbore.

As claimed in claim 17 of the instant application, the apparatus is manipulated so as to form a parallel window which is substantially parallel to the wellbore which

permits the upper section to be laterally displaced, aligning the tool which is now laterally displaced at both upper and lower lateral displacement means, into the parallel window. Thus claim 17 and those claims which depend therefrom, having elements which were not taught, were not contemplated and which cannot be performed by the apparatus of US 5,103,921, are patentably distinct from the claims of US 5,103,921.

**Claims 1, 17, 19 and 20 are rejected under 35 USC 102(b) as being anticipated by Zeer et al, US Patent 5,103,921.**

As stated above, Applicant has amended claim 1 to include the subject matter of claim 2 which Examiner has indicated is patentable.

Therefore claim 1 is distinguished over US Patent 5,103,921 and is in condition for allowance.

Further with regard to claims 17, 19 and 20, as stated in the arguments above, US 5,103,921 is absent essential apparatus which would permit all of the limitations of claim 17, particularly the ability to displace the upper section of the tool to align the reamer substantially parallel to the wellbore and thus, use of the apparatus of US 5,103,921 cannot anticipate method claims 17, 19 and 20 of the instant application.

Reconsideration and allowance of claims 1 and 3-21 currently on file is respectfully requested.

Respectfully Submitted,

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